

YetterColeman LLP

January 22, 2024

The Honorable Jessica G. L. Clarke
Daniel Patrick Moynihan United States Courthouse
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Souki v. Nineteen77 Capital Solutions A LP*, Civ. No. 1:23-cv-7982 (the “7982 Action”); *Nineteen77 Capital Solutions A LP v. Souki*, Civ. No. 1:23-cv-7984 (the “7984 Action”).

Dear Judge Clarke:

I write on behalf of the Loan Parties (plaintiffs in the 7982 Action and defendants in the 7984 Action) in the above-referenced matters, both of which were removed late last year to this Honorable Court from the New York State Supreme Court, Commercial Division. Motions for remand and to transfer to the Southern District of Texas are currently pending in both actions. We write to advise the Court of a recent development which is relevant to the pending motions and the administration of these cases.

As we previously advised last November, an ongoing bankruptcy proceeding pending in the Southern District of Texas involves the same parties and substantively identical claims and defenses as the above-referenced matters. When we last wrote the Court, we also advised that the Texas court had set the adversarial action involving these claims for trial on December 11. *See* 7982 Action, Dkt. 30; 7984 Action, Dkt. 35.

The adversarial action proceeded to trial as scheduled, in a four-day trial that concluded December 14. During the trial, the parties presented testimony from nine fact witnesses and six expert witnesses. Prior to the trial, the Bankruptcy Court denied the Secured Parties’ motion for summary judgment after oral argument. At the conclusion of the trial, the court indicated that a decision would be rendered shortly.

Thank you for your consideration.

Regards,



Timothy S. McConn

cc: All counsel of record by ECF